

On The Docket

VOLUME 7, ISSUE 2

JUNE, JULY, AUGUST 2006

INSIDE THIS ISSUE:

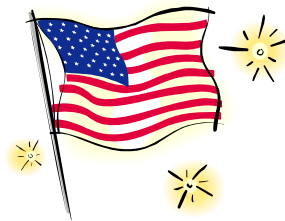
Inner Workings	1,2
Filing Tips for Electronic Filers	2,3
Upgrade to CM/ECF V.3.0	3
A Glance at the newly Amended Local Rules	4-6
What our ECF Filers are saying . .	6,7
Employee Recog- nition Program	7
On The Docket Word Search	8

Inner Workings: News and Advice

By: Susan M. Thurston, Clerk of Court

This spring, the Bankruptcy Court reestablished its Attorney Advisory Committee to ensure that we receive needed feedback and suggestions from the bankruptcy bar on the many changes to the bankruptcy system and on continuing trends in technology and financial education. The Committee is comprised of 12 attorneys representing a cross section of large and small firms, creditor, debtor and trustee interests as well as new and more seasoned practitioners. The current membership includes Patricia Antonelli, Steve Boyajian, Lenny DePasquale, Peter Furness, Richard Gemma, Lisa Geremia, Bob Huseby, Christopher Lefebvre, Charlie Pisaturo, Tom Quinn, John Rao and John Simonian. One of the current initiatives that the committee discussed in depth is an interest in launching a financial

education program for Rhode Island high school students. Such programs have been im-



plemented by bankruptcy courts in a number of states throughout the U.S., originally begun in New York Western by Honorable John Ninfo II, called the C.A.R.E. Credit Abuse Resistance Education Program. As of May 2006, CARE has a presence in 31 states and in the District of Columbia through a collaboration with the American Bar Association. In Massachusetts, the Bankruptcy Court partnered with the Boston Bar Association to develop and implement a similar financial literacy program and have had at

least 3 highly successful sessions in the Boston and Worcester high schools. Locally, we are working with attorney Patricia Antonelli, the Rhode Island Jumpstart program on Financial Literacy as well as the URI Center for Personal Financial Education in structuring the program with the hope that implementation will commence in the coming school year. To make the program a true success, we are looking for volunteer attorneys, accountants or other persons interested in financial education to serve as volunteer educators. The educational materials are fully developed so volunteers will be given all of the necessary training materials and will deliver one of five possible topics in a high school classroom. There are five different modules covering topics such as budgeting, use of

(Continued on page 2)



*Honorable Jim
Haines from the
district of Maine,
Cliff White, Acting
Director of the
U.S. Trustee
program, several
attorneys including
our own Charlie
Pisaturo . . .*

*(INews & Advice cont.
from page 1)*

credit cards, obtaining a car loan, and culminating with a session at the bankruptcy court including a mock 341 meeting and a relief from stay hearing. If you are interested in serving as a volunteer- and we hope you are!-, please drop me a line by email at Susan_Thurston@rib.uscourts.gov or stop by the clerk's office to let us know.

Another major initiative the Court has been heavily involved in during the past year is our hosting of the

National Conference of Bankruptcy Clerk's annual conference this August in Newport, RI. The RI Bankruptcy Court is honored to be able to share our beautiful state with bankruptcy staff throughout the United States and we have planned both an extraordinary educational program as well as some exciting social events for the over 370 court staff attending the conference. One of the sessions is a panel lunch to discuss the impact of the changes under BAPCPA and will include Honorable Jim Haines from the district

of Maine, Cliff White, Acting Director of the U.S. Trustee program, several attorneys including our own Charlie Pisaturo and staff from the Administrative Office of the U.S. Courts. The conference runs from August 28-September 1, 2006 and is being held at the Hyatt Regency on Goat Island. Additional information on the conference, the educational program and registration is available on the conference website at <http://www.ncbcimpact.org/2006/newport/> If your schedule allows it, please try and join us!

Filing Tips for Electronic Filers

By: Cindy Cory, Courtroom Deputy

We have compiled a list of the most common errors made by electronic filers and offer these solutions to make life easier for you.

1. If you have a Consent Order, Joint Pre-trial Order, Discovery Plan or pleading with two or more signatories, this is considered

a filing by two or more party filers and therefore, you must **select all signatories** as party filers.

2. Social Security Numbers on Payment Advices must be redacted to the final four digits. Please carefully check the payment advices and redact before you scan and file them.

3. If there has been no income prior to the filing of a petition, you must file an Affidavit stating no income has been received. The Affidavit must be signed by the debtor(s) and contain the **penalties of perjury language**.

4. For Individuals re-

(Continued on page 3)



(Filing Tips Continued from page 2)

ceiving Social Security or other such payments, the statement issued by the agency should be filed as the payment advice

(again redacting all social security numbers).

5. Amended Schedules D, E and F require a fee and the event Amended Schedules (fee) must be used. For all other amended schedules, use the event Amended Schedules. Do not combine Amended D, E and F with any other amended schedules; they must be filed as separate documents.

6. Amended Schedules (all)

must have the nature of the amendment clearly designated by highlighting or ***ing the amendment. **All amended schedules** require the signature of the debtor(s) and if filed electronically, a P4 document signed by the debtor.

7. Motions to Continue hearings should be linked to the **underlying pleading** and not to hearings previously held or hearing notices.

Upgrade to CM/ECF V.3.0

By: Jody Venuti, Quality Assurance Specialist

I'm sure you have seen our Public Notice which states we will be live on the newest version of CM/ECF, 3.0, by the end of day Thursday, June 29, 2006. Some of the changes are quite obvious. Such as, the QUERY Menu now includes a link to the claims register and the creditor mailing matrix. There is no longer a need to change Menus to get this information.

The Motions Report is now a selection in the Query Menu as well. You can view any motions that are pending in the case just by clicking on the link.

Don't forget, if you think you may have missed an Notice of Electronic Filing,

you can always use the Summary of ECF Activity in the Reports Menu to see what was sent to you on any given day.

A REMINDER

After making a change to your account through Maintain User Account you may get this error message "The proper format for social security number is 111-22-3333" , this happens because cm/ecf somehow, sometimes, puts a space in the ssn field. Delete the space from the ssn field and click submit. There is no need to enter your social security number.

Also, after modifying email information in your account, make sure to click on the Return to Account Screen button and then click SUBMIT. Many times, people will modify this information and just click out of it, but none of the changes will take effect unless you follow this procedure.

The screenshot shows a web form for user registration. The form includes fields for name, title, office, address (street, city, state, zip), phone, fax, email, and social security number (SSN). There are also dropdown menus for generation, type, county, bar status, and mail group. A JavaScript error message box is overlaid on the form, displaying the text: "The proper format for the social security number is 111-22-3333". The error message box has a yellow warning icon and an 'OK' button. The form also has a 'Clear' button at the bottom.

A Glance at the newly amended Local Rules

By: Amy Geraghty, Legal Case Management Clerk

New Local Rule, Form and Appendices Changes, Effective June 1, 2006

In October of 2005, the Court adopted interim local rules, forms and appendices in order to comply with the new BAPCA requirements. Effective June 1, 2006, the Court has adopted those rules and made additional amendments to its local rule, forms and appendices. The amended and new local rules, forms and appendices effective June 1, 2006 are as follows: Local Rules: 1006-1, 1007-1, 1017-2, 2002-1, 2002-2, 2003-1, 2007.1, 3001-1, 3015-3, 4001-4, 4002-3, 4004-1, 4008-1, 5005-4, 5005-5, 7004-1, 7067-1, 8006-1, 9004-1, 9010-1, 9074-1. RI Bankr. Forms C, D, G, H, T.1, V, W, X and Appendices I (abolished) II, IV, VI, X.

Below is a brief summary of each change, but practitioners are advised to obtain a complete copy of the amendments and familiarize themselves of the changes. Forms for obtaining bound copies of the rules and official local forms from the publisher are available in the Clerk's

office and on-line. In addition, loose-leaf copies of the revised rules, forms and appendices are also available in the Clerks office at no charge, or on our website - www.rib.uscourts.gov.

LBR 1006-1 - provides a Chapter 7 debtor the ability to file an Application for Waiver of the Chapter 7 Filing fee.

LBR 1007-1 - requires that a Certificate of Credit Counseling, Motion to be Exempt from Credit Counseling, or Certificate of Exigent Circumstances filed within two business days. Also, within fifteen days, the debtor must file a Statement of Current Monthly Income Official Form 22 (either A, B, or C as applicable), and file Payment Advices for the 60 day period prior to the filing of the petition.

LBR 2002-2 - this rule facilitates the transmission of electronic notices to creditors.

LBR 2003-1 has been amended to abrogate section (b) which set forth the time frame in which the trustee was to file a final report with the United States Trustee.

LBR 3001-1 - sets forth the required form for filing a Notice of Transfer of Claim and outlines the Court's procedure for handling the transfer of a claim.

LBR 3015-3 has been amended to include section (f) which requires the Chapter 13 trustee to provide information regarding the debtors domestic support obligations in his final report.

LBR 4001-4 sets forth the required information needed when filing a Certificate of Intent to Cure Default and Rent Deposit.

LBR 4002-3 - An interest party may request a copy of the debtor's tax information by using R.I. Bankr. Form G. If a party in interest may request to inspect and copy a debtor's tax information using R.I. Bankr. Form H. The dissemination of tax information is restricted.

LBR 4004-1 - The Debtor must file a certificate evidencing of completion of an approved financial management course (Official Form 23) prior to the objection to discharge deadline in a Chapter

(Continued on page 5)

(Local Rules Continued from page 4)

7, or in a Chapter 13, not later than the last payment made by the debtor as required by the plan. Failure to file the certificate will result in the automatic closing of the case without issuance of a discharge and the debtor will be required to file a motion to reopen with the applicable fee in order to obtain the discharge. In addition, in a Chapter 13, if the debtor owes domestic support obligations, the debtor must certify to the trustee that they are current.

LBR 4008-1 Reaffirmation Agreement Form B240 (rev.10/05) required for all cases filed on or after October 10, 2005. *Pro se* debtors must complete Part E of the reaffirmation agreement, entitled Motion for Court Approval of Reaffirmation Agreement. *Any reaffirmation agreement filed with the court in which the debtor's attorney fails to sign the required certification will be treated as having been filed pro se.* Defective reaffirmation agreements will be stricken.

LBR 5005-5 - this rule outlines the Court's procedure for striking defective documents.

LBR 7004-1 removes the requirement that the Trustee be served with a complaint initiating an adversary proceeding as notification to the Trustee is made via the Notice of Elec-

tronic Filing generated when the complaint is filed.

LBR 7067-1 governs procedures for funds deposited into the Court's Registry Account.

LBR 8006-1 - The record on appeal must be tabbed and in reverse chronological order so the documents appear in the same order as shown on the docket sheet. Failure to comply may result in the dismissal in accordance with R.I. District Court Rule 109(f)(5).

LBR 9004-1 - New Section (d) has been added to establish procedures for a party to request that personal data identifiers be redacted from a transcript.

LBR 9074-1 - This rule has been amended to allow for matters to be heard via video conference.

Other miscellaneous rule changes: **LBR 1017-2** has been amended to abrogate section (c) Order to Pay Mailing Cost. **LBR 2002-1** has been amended to abrogate section (a) Designation of Parties to Provide Notice Under Fed. R. Bankr. P. 2002 (a) and (f). **LBR 2007.1** was abolished as the provisions contained in this local rule were duplicative of the Federal Rule. **LBR 5005-4** contains a technical amendment which updates the current addition of the AGO. **LBR 9010-1** has been

amended to reflect the new R.I. District Court local rule numbering system.

In addition, to the local rule changes, there are several new mandatory local forms, notably **Form C** - Certificate of Pro Se Debtor, **Form D** - Expense Information for Fee Waiver Application (*see* LBR 1006-1), **Form G** - Request for Debtor to File Post Petition Tax Information During Pendency of Case (*see* LBR 4002-3), **Form H** - Motion by Party in Interest for Access to Debtors Tax Information (*see* LBR 4002-3). Forms V, W, and X were amended in October of 2005 to implement the new BAPCA requirements, and seem to cause practitioners the most problems in terms of using the correct form. In all cases filed on or after October 17, 2005, the new forms (Rev.06/06) must be used. Forms V, W and X have been amended in the following manner: **Form V** - Chapter 13 Agreement Between Debtor and Counsel - Under the section entitled, "The Attorney agrees to;" Paragraphs 7, 8, and 11. Under the section entitled "The attorney agrees to provide the following legal services in consideration of the initial fee charged in this case", Paragraph 9. Attorneys should make themselves familiar with these new requirements. **Form**

(Continued on page 6)

*Website enhancements coming soon:
Look for the new Pro
Se webpage coming
in July, 2006*

*The feedback we
received was
extremely
positive.*

*(Local Rules Continued
from page 5)*

W - Chapter 13 Plan has a new section under Priority Claims in which the Debtor must account for any domestic support obligations. **Form X** - Order Confirming Plan - contains provisions regarding domestic support obligations. **Form T.1** Attorney Certificate in

Support of Motion for Admission *Pro Hac Vice* contains changes to comply with the Rhode Island District Court's rule changes. Finally, changes to the Appendices include: **Appendix I** - Clerk's Designation of Parties to Provide Notice has been abolished. **Appendix II** - This appendix is a copy of

U.S. District Court LR Gen 209 governing appeals. **Appendix IV** - Maximum Attorney Fee Without Written Fee Application has been increased. **Appendix VI** - This appendix is a copy of the U.S. District Court LR Gen 204 Pro Hac Vice. **Appendix X** - Parties Funds Deposited with clerk of court.

What our ECF Filers are saying . . .

By: Cindy Cory, Courtroom Deputy

Recently we polled some of our ECF users to follow up and see the impact of ECF on their offices and procedures and to inquire about their overall feelings regarding electronic filing now that the system has been in use for a while. We wanted trustee, debtor attorney and creditor attorney input as they use the system in different ways.

The feedback we received was **extremely** positive. Attorneys and their support staff universally appreciate the financial savings afforded by electronic

filing. They no longer spend time at the clerk's office filing paper pleadings only when the office is open, no longer have to pay parking fees or worse, parking tickets. Postage and paper use are down with the elimination of the once-required original and two copies, and paper service to parties. The 24-7 availability and ease of filing allow attorneys to accomplish more work in less time and do it at their convenience. A laptop and internet connection are all they need.

Attorneys appreciate receiving the daily one-page summary of activities and knowing that their pleading has been filed without worrying about anything being "lost in the mail" or filed after a deadline. Electronic service ensures service to registered users at the click of the mouse instead of stuffing, addressing and stamping envelopes for snail-mail delivery. The ease of credit card payment and the report accompanying payment eliminates the need to cut checks and do the follow-up ac-

(Continued on page 7)

(ECF Filers saying . . .Continued from page 6)

counting. Immediate email notice of all actions in any case eliminates the danger of missing a pleading filed or deadline.

Users, who might even have been apprehen-

sive about the system, have stressed that once they become familiar with the process, they would not want to return to the "old-fashioned" paper pleadings filed over the counter or through the mail again. Our users

also were complimentary to the Clerk's office staff for their courteous support, and mentioned the only drawback was the loss of social interaction with us!

Employee Recognition Program

By: Carolyn Sweeney, Case Administrator

In September, the Clerk's office will hold it's annual Employee Recognition Program. The employee recognition program was created in 1990 by the Judicial Conference and it authorizes "... the judiciary to use awards to provide incentive to and recognition of employees, individually and as members of groups, for their job performance and to acknowledge their contributions to the judiciary's mission".

The bankruptcy court initiated it's program in the fall of 1995 and it has grown every year since then. It is an opportunity for the Clerk's office to look back on the previous year and appreciate the accomplishments of individual employees and the entire office.

The bar and the public may assist us by filling out the Customer Service Survey that is available every year from

May until early July. The survey, which is available on-line or in the Clerk's office, is your opportunity to nominate employees that you feel deserve recognition

As a reminder, the program this year will be held on Friday, September 15th. The Clerk's office will CLOSE at 1:00 p.m.

Some of the 2005 Award Winners



On The Docket Word Search

U R C I D V D O C U M E N T C G B Q H G
 P Q Y P O B D I I Q G I Q J B S T N H A
 Y H D U J M Q P N D B D C P P R R E B I
 I B D T A R U Y U H U Z L R V Q V U V U
 L L R P W S W J E P N A E L O T E G K M
 S B M P O T P A L R I S J F Y P K G S W
 S X D O C Y R A D N E L A C L I H B S T
 U V N N W I Y M T N A D N E F E D O E L
 E C L O N B G I T O U C H S C R E E N R
 N N W G A Q F A W Y D M O N I T O R T E
 T Y Z C N F T R V O I C E U M I S F I D
 X F K C P I M R R Y G D A A R O U V W F
 W H S D O Z D P O D I U M F A T I V J D
 I F H N J Y Z A Y V T S U A J D R X B V
 Q N A A R M A R E M A C U D E B T O R D
 P W Y Q L N H L H L L A J O J M L D O H
 A Q A S O E Z L P D P L A X V X Y P H M
 T G I I J E F Q S Y A S C K R L Q H P T
 N J C F P W J B O V T N O Q Y B P W R E
 N M X P Q B T J H D F W W D W T F Z F Q

Audio	Hearing	Presentation
Calendar	Judge	Touchscreen
camera	Laptop	Video
Courtroom	Microphone	Voice
Debtor	Monitor	Witness
Defendant	Plaintiff	
Digital	Plasma	
document	Playback	
DVD	Pleading	
Evidence	Podium	